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| 08/386,813      | 02/08/1995  | BORIS HOGLUND        | 361427-2000         | 3093             |

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EXAMINER

HON, SOW FUN

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 12/05/2001

33 1/2  
32 1/2

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/386,813

Applicant(s)

HUGLUND ET AL.

Examiner

Sow-Fun Hon

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 29-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:                                          |

**DETAILED ACTION**

***Response to Amendment***

***Withdrawn Rejections***

1. The 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejections in Paper # 35, paragraphs 3-4 (mailed 05/22/01) of claims 13-25, 27-28 has been withdrawn due to Applicant's amendment and cancellation of claims 14-28 in Paper # 36 (filed 09/21/01).
2. The 35 U.S.C. 103(a) rejection in Paper # 35, paragraph 6 (mailed 05/22/01) of claims 13-28 over O'Brien et al. in view of Hammer et al. has been withdrawn due to Applicant's amendment and cancellation of claims 14-28 in Paper # 36 (filed 09/21/01).

***New Rejections***

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 13, 29-38 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly amended claim 13 has the limitation of "elasticity in the range 13 to 20 % of the starting size, elasticity being defined as the capacity of the casing, after soaking in water at 40 C for 10 minutes, to expand from an uninflated condition to one of inflation by 30 kPa air pressure". Support in the specification for the upper limit of the range of

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13 has been found in the form of 13.2. However, 20 is not considered to be a valid form of 19.2 in terms of new matter (page 17). Correction is required.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 13, 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholson et al. (US 5,277,857) in view of O'Brien and Hammer et al.

Nicholson et al. teach a fibrous sausage casing (column 1, lines 10-68) wherein viscose is extruded onto a tube of paper prior to entering the coagulation and regenerating baths (column 2, lines 1-20). The diameter of the casing during inflation is shown to expand to 52 % (from 31.5 mm to 48.0 mm) to burst at an internal pressure of 27 kPa (203 mmHg) (column 7, lines 20-45). Nicholson et al., however, fail to teach the specific claimed aqueous method of forming the casing, and the air-dry weight of the wet-strengthened paper.

O'Brien et al. has been discussed in Paper # 35, paragraph 6 (mailed 05/22/01), and teach that it is well-known in the art to prepare fibrous casings in the claimed manner. A long fiber hemp (manila based) paper is formed into tubular form. Viscose is supplied under positive pressure from the chamber of a coating die through an annular opening, circumferentially of its inner face, through which the viscose is applied to the outer surface of surface of the paper tube. A number of slip rings are positioned on the mandrel at preselected intervals to maintain the paper in the form of a tube. The viscose-impregnated, paper tube is sent into a coagulating bath

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containing sulfuric acid and salts (column 4, lines 1-50). It is well known to one of ordinary skill in the art to add a step of plasticizing the tube.

Because O'Brien et al. teach that the tubular fibrous casings are used as sausage casings (column 3, lines 10-15) and that the specific claimed method is well known in the art, it would have been obvious to one of ordinary skill in the art to have used the teachings of O'Brien et al. in the invention of Nicholson et al. in order to obtain an alternate method of forming a wet-strengthened fibrous sausage casing.

O'Brien teaches that the (manila) hemp paper weighs 10-20 pounds per ream (17-34 g/m<sup>2</sup>) (column 4, lines 1-5), and therefore fails to teach the use of paper weighing less than 15 g/m<sup>2</sup>.

Hammer et al. has been discussed in Paper # 35, paragraph 6 (mailed 05/22/01) and have a paper for fiber reinforcement in a base layer of a cellulose-based packaging film, in particular a tubular artificial sausage casing (abstract). Hammer et al. teach that the paper impregnated with viscose retains its strength prior to acid precipitation of the viscose. The paper is taught to be of (Manila) hemp fiber (column 4, lines 64- 68). Hammer et al. teach that it is advantageous in the production of sausage casings for the paper intended as fiber reinforcement to have a weight of from about 12 g/m<sup>2</sup> onwards (column 4, lines 10-25). It would have been mere routine optimization to have used lighter weight paper in order to obtain a variation of the elasticity (strength) of the sausage casing. See in re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

In addition, Hammer et al. also teach that the use of a combination of the polyamide/epichlorohydrin type resin and viscose, and the resin itself (column 2, lines 1-10 and column 3, lines 45-55) as reinforcing agents are variations which are well-known in the art.

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Hammer et al. teach that the addition of these reinforcing agents to the fiber reinforced casing films give higher strength (burst at higher internal pressures) (column 1-5).

Because Hammer et al. teach that the claimed reinforcing agents are well known in the art of sausage casing production, it would have been obvious to one of ordinary skill in the art to have used the teachings of Hammer et al. in the invention of Nicholson in order to obtain a method of obtaining a variation of a fiber reinforced sausage casing with the desired elasticity (strength).

#### ***Response to Arguments***

7. Applicant's arguments with respect to claim 13 has been considered but are moot in view of the new ground(s) of rejection.

8. In order to further prosecution, however, Applicant's arguments directed to the pertinent prior art are addressed.

a. Applicant argues that the early casings as taught by O'Brien et al. are stated by Hammer et al. to be inferior because they do not show the required strength. However, Applicant has not stated in the present claims that the casings have the required strength of the casings of Hammer et al.

9. In addition, Applicant is respectfully requested to demonstrate the criticality of the claimed elastic range as directed to the present claimed invention over the prior art.

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*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

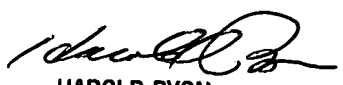
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

8H  
11/28/07

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 11/30/07